IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 09.10.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.TAMILVANAN

Habeas Corpus Petition No.853 of 2006

Thambidurai ... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.

2.Saroja .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the detenu Thangadurai, son of Thangaswamy before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu
For 1st Respondent : Mr.M.Babu Muthu Meeran,
Addl. Public Prosecutor
For 2nd respondent : Mr.Mohammed Rafi

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, by name Thambidurai has filed this petition seeking direction for production of the detenu Thangadurai, son of Thangaswamy before this Court and set him at liberty.

2. During the pendency of this petition, it is brought to our notice that the detenu died at Malaysia, where he went for employment. On the direction of this Court, the second respondent has made arrangement and ultimately, the body of the detenu-Thangadurai was brought to Chennai on 01.10.2006. It is also brought to our notice that after post-mortem, the

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body of the detenu was handed over to the petitioner.

3. In view of the same, no further adjudication is required in this petition.

4. Mr.Sankarasubbu, learned counsel appearing for the petitioner raised two grievances. According to him, though the petitioner has made a complaint even as early as 12.08.2006 to the Collector, Cuddalore as well as to the Sub Inspector of Police, Annamalai Nagar Police Station, Cuddalore District, no action was taken by the said Sub Inspector of Police, hence he seeks appropriate direction. The other grievance is that the Airway bill shows that cause of death was due to hanging. Hence, the petitioner, being the brother of the detenu, is entitled for compensation from the present employer concerned.

5. In view of the grievance expressed, we are inclined to issue following directions:

(1) The Sub Inspector of Police, Annamalai Nagar Police Station, Cuddalore District is directed to investigate the complaint of the petitioner dated 12.08.2006 and proceed according to law.

(2) The petitioner is at liberty to proceed against the employer of his brother for compensation, if the same is permissible under law, before the appropriate Forum.

6. With the above observation, the petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To
1.The Inspector of Police, Annamalai Nagar Police Station, Cuddalore District.
2.The Sub Inspector of Police, Annamalai Nagar Police Station, Cuddalore District.
3. The Public Prosecutor, High Court, Madras.
+ 1 CC To Mr. M.Mohammed Rafi, Advocate SR NO.46932
+ 1 CC To Mr. R.Sankarasubbu, Advocate SR NO.46812

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tej(co)
gp/18.10.

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